

JASON E. RIOS, State Bar No. 190086
FELDERSTEIN FITZGERALD WILLOUGHBY
PASCUZZI & RIOS LLP
500 Capitol Mall, Suite 2250
Sacramento, CA 95814
Telephone: (916) 329-7400
Facsimile: (916) 329-7435
jrios@ffwplaw.com

Attorneys for Plaintiff
EQUITABLE FINANCIAL LIFE
INSURANCE COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

EQUITABLE FINANCIAL LIFE
INSURANCE COMPANY,

Plaintiff,

v.

CANOPY ORCHARDS, LLC, et al.,

Defendants.

CASE NO. 1:23-CV-00589-CBD

**STIPULATION TO REMAND OF
REMOVED ACTION; ORDER
THEREON**

**Complaint Filed: 2/21/2023 (Kern County)
Removed to Federal: 4/17/2023**

Plaintiff Equitable Financial Life Insurance Company, formerly known as AXA Equitable Life Insurance Company (the “Equitable Financial” or “Plaintiff”), Defendant Canopy Orchards, LLC (“Canopy”) and Defendant Fresno-Madera Production Credit Association (“Fresno-Madera”) stipulate as follows:

1. On February 21, 2023, Equitable Financial commenced an action in the Superior Court of the State of California in and for the County of Kern, entitled Equitable Financial Life Insurance Company, formerly known as AXA Equitable Life Insurance Company, a New York corporation, Plaintiff v. Canopy Orchards, LLC, a California limited liability company, Fresno-Madera Production Credit Association, U.S. Small Business Administration, and Does 1-20, inclusive, Defendants, as Case Number BCV-23-100533 (the “Action”).

2. Defendants acknowledged service of the complaint on or about March 29, 2023.

3. On April 17, 2023, Defendant U.S. Small Business Administration (the “SBA”) filed a notice of removal of the Action pursuant to 28 U.S.C. §1446(d) with the United States District Court for the Eastern District of California. The basis for the removal was 28 U.S.C. § 2410 the SBA’s status as an agency of the United States government and the Plaintiff’s request for relief as to real or personal property on which the SBA has or claims a lien.

4. On April 18, 2023, Defendant SBA completed the removal process by filing a conformed copy of the notice of removal with the Kern County Superior Court.

5. On June 26, 2023, the District Court entered a minute order (Docket No. 15) in this action dismissing the SBA from the action.

6. Based upon the dismissal of the SBA, the basis for the removal and jurisdiction of the federal District Court no longer exists and the remaining parties Equitable, Canopy, and Fresno-Madera have agreed and hereby stipulate that the Action should be remanded back to the Kern County Superior Court.

Dated: June 29, 2023

FELDERSTEIN FITZGERALD
WILLOUGHBY PASCUZZI & RIOS LLP

By: /s/ Jason E. Rios (as authorized June 29, 2023)
JASON E. RIOS
Attorneys for Plaintiff
Equitable Financial Life Insurance Company

Dated: June 29, 2023

BAKER MANOCK & JENSEN

By: /s/ Diane E. Coderniz
DIANE E. CODERNIZ
Attorneys for Defendant
Canopy Orchards, LLC

Dated: June 29, 2023

FRANDZEL ROBINS BLOOM & CSATO, L.C.

By: /s/ Michael J. Gomez
MICHAEL J. GOMEZ
Attorneys for Defendant
Fresno-Madera Production Credit Association

ORDER

On June 29, 2023, the Parties to the above-referenced action filed a Stipulation to Remand of Removed Action. The Court having reviewed that stipulation and good cause appearing, orders as follows:

1. This action is remanded to the the Superior Court of the State of California, County of Kern.

2. The Clerk of Court is DIRECTED to close this case.

IT IS SO ORDERED.

Dated: **June 30, 2023**


UNITED STATES MAGISTRATE JUDGE